IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2118 OF 2007

Smt.Nayna Hitesh Kareliya. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Ms.Anjali Patil for the applicant.

Ms.S.D.Shinde, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 20th July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is charged for the offences punishable under sections 255, 256, 257, 259, 260, 420, 465, 467, 468, 471, 120-B of Indian Penal Code under C.R.No.127/2005 registered with Malad Police Station, Mumbai. This case was, subsequently, transferred to G.B.C.B.-C.I.D. vide C.R.No.19 of 2005 for further investigation.

3. The present applicant is in custody since 20th June, 2006. Learned counsel for the applicant submits that almost for more than 14 months she has been in

the custody. She has two minor children and there is nobody to look after them. She further submits that inspection is complete, chargesheet has been filed and no further custody of the applicant is necessary.

4. The learned A.P.P. opposed for grant of bail in favour of applicant contending that some of the accused persons are still absconding. She submits that if the applicant is enlarged on bail, then she will again commit misappropriation. She further submits that possibility of applicant's absconding and going abroad also cannot be ruled out.

5. In rejoinder, learned counsel for the applicant submits that the applicant-accused is ready to deposit her pass-port with the investigating officer and that she shall not operate any bank account till the trial is complete. She further submits that the applicant shall report to the concerned police station every day between 3.00 to 5.00 p.m.

6. In these circumstances of the case, considering the rival submissions, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection

with C.R.No.19/2005 registered with the Malad Police Station, Mumbai shall be enlarged on bail in the sum of Rs.5,00,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Malad Police Station every day between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The applicant shall neither operate any of her bank accounts nor shall open any new account on her name in any bank.

(d) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

e) The applicant shall not directly or indirectly, make any inducement or threat or

pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

f) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

g) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

3. Application stands disposed of accordingly.

JUDGE